

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP/(954) 797-1101

SUBJECT: Application for Flexibility

Project Name and Location: Silva/Thorite of Florida Inc. and Klingman. 2100 Flamingo Road/Generally located on the east side of Flamingo Road, 330 feet south of SW 20 Street.

TITLE OF AGENDA ITEM:

FX 11-1-00 Applicant: Monica Silva, petitioner/Thorite of Florida Inc. and Klingman, owners.

REPORT IN BRIEF:

Application for the use of the Broward County five (5) percent Residential to Commercial Flexibility Rule. Request results from a Broward County Planning Council (BCPC) policy that kennels are a commercial use, despite being permitted in the Town's Agricultural Districts, requiring usage of this Flex Rule in order for kennels within the Residential Plan designation to be consistent with the Broward County Land Use Plan (BCLUP). This request does not constitute a rezoning nor is one needed to permit the proposed kennel on the subject site.

PREVIOUS ACTIONS: None.

CONCURRENCES:

The Planning and Zoning Board recommended approval of the request at its February 28, 2001 meeting (motion carried 5-0).

FISCAL IMPACT: None.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Conceptual Plan, Land Use Map, Subject Site Map, Aerial.

Application #: FX 11-1-00

Revisions:

Exhibit "A":

Original Report Date: February 12, 2001

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Name: Thorite of South Florida Inc.,
and David Kligman c/o
Bart Stock Esquire
Address: 6600 Taft St., Suite #410
City: Hollywood, FL 33024
Phone: (954)989-3030

Contract Purchaser:

Name: Monica Silva
Address: 1017 Tupelo Way
City: Weston, FL 33327
Phone: (954)963-1696

BACKGROUND INFORMATION

Application Request: Application for the use of the Broward County five (5) percent Residential to Commercial Flexibility Rule. Request results from a Broward County Planning Council (BCPC) staff position that kennels are a commercial use, requiring usage of this Flex Rule in order for kennels within the Residential Plan designation to be consistent with the Broward County Land Use Plan (BCLUP).

Address/Location: 2100 Flamingo Road/Generally located at the northeast corner of Flamingo Road and SW 26 Street.

Future Land Use Plan Designation: Residential 1 DU/Acre

Zoning: AG, Agricultural District

Existing Use: Vacant

Proposed Use: Animal Clinic and Kennel

Parcel Size: 7.97 acres (347,173.2 square feet)

Surrounding Uses:

North: Vacant
South: Vacant
East: Vacant

**Surrounding Land
Use Plan Designation:**

Residential 1 DU/Acre
Residential 1 DU/Acre
Residential 1 DU/Acre

West: Vacant

Residential 1 DU/Acre

Surrounding Zoning:

North: AG, Agricultural District

South: AG, Agricultural District

East: AG, Agricultural District

West: A-1, Agricultural District

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property: None.

APPLICATION DETAILS

The petitioner is proposing to develop the 7.97 acre parcel with a animal clinic and kennel. All activities associated with the facility will be conducted indoors. This is a use permitted by the Land Development Code in the agricultural districts, but is considered a commercial use under the Broward County Land Use Plan (BCLUP) according to a Broward County Planning Council (BCPC) interpretation. In order for the proposed use to be considered consistent with the BCLUP, Town Council must first approve the use of the five (5) percent Residential to Commercial Flexibility Rule. This request for assignment of the 5% Flexibility Rule is unique in that it is not associated with a rezoning application.

Applicable Codes and Ordinances

1. Section 12-34B(10) of the Land Development Code permits animal hospitals/clinic facilities in AG, Agricultural Districts subject to limitations. The limitations include adequate soundproofing of areas where animals are contained or treated, exterior runs, cages, or exercise areas on a minimum parcel size of three (3) acres having setbacks of at least fifty (50) feet with concrete block walls used in the construction.
 2. Section 12-34B(11) of the Land Development Code permits kennel facilities in AG, Agricultural Districts subject to limitations. The limitations include adequate soundproofing of areas where animals are contained or treated, and all activities must be conducted indoors unless a special permit is granted for outdoor animals uses.
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Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. This Planning area includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by S.W. 100 Ave. The predominant existing and planned land use is single family residential at a density of one

dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

Policy 13.01.10 of the Broward County Land Use Plan allows local governments to utilize the flexibility rules pursuant to the Administrative Rules Document.

Policy 2.5(A)(2) of the Broward County Land Use Plan Administrative Rules Document permits local governments to use up to five (5) percent of the lands within a flexibility zone that have a residential land use designation for commercial purposes without having to amend the Broward County or the Town's Land Use Plan.

Applicable Goals, Objectives & Policies:

Policy 6-2 of the Future Land Use Element generally discourages the use of flexibility provisions to permit more intense uses in areas west of Pine Island Road and south of SW 14 Street. This policy is intended to address uses and intensities/densities that are not permitted by current zoning and land use plan designation in this geographic area, and therefore does not apply to this request.

Staff Analysis

The proposed use is permitted by right within the AG District. Flexibility usage is required only to satisfy the consistency requirement between the proposed use and the Broward County Land Use Plan (BCLUP). The Broward County Planning Council (BCPC) regards kennels as commercial uses, despite the fact that the Town's agricultural zoning districts permit them, and that the Town interprets its Comprehensive Plan as allowing kennels in Residential land use classifications as an agricultural use. The Planning Council appears to have taken this position because most of Broward County lacks low-density areas containing large parcels suitable for kennels, thus creating compatibility issues, but recognizes that Davie is unique in its availability of large agricultural parcels in low-density areas, which can adequately buffer adjacent properties from kennel facilities. By applying the 5% Flexibility Rule, the BCPC will recognize the property as commercial although the zoning will remain agricultural.

The Broward County Land Use Plan and the Town of Davie's Comprehensive Plan identify the subject site as lying within flexibility zone 113, which defines available commercial flexibility acreage. Currently, there are 250.19 commercial flexibility acres available within this flexibility zone. Therefore, there is a sufficient amount of acreage to provide for the petitioner's request. The request also satisfies all other Broward County Land Use Plan (BCLUP) rules for the use of the 5% Flexibility Rule. Staff finds that this request is necessary to reconcile the Town's AG zoning, as it relates to the proposed kennel use, with the BCPC interpretation that kennels are a commercial use.

Recommendation: Based upon the foregoing analysis, staff recommends **approval**, of petition FX 11-1-00 to allocate 7.97 acres of Commercial Flexibility to the subject property for purposes of satisfying Broward County consistency requirements for the location of a kennel within a residential land use plan designation.

Planning & Zoning Board Recommendation

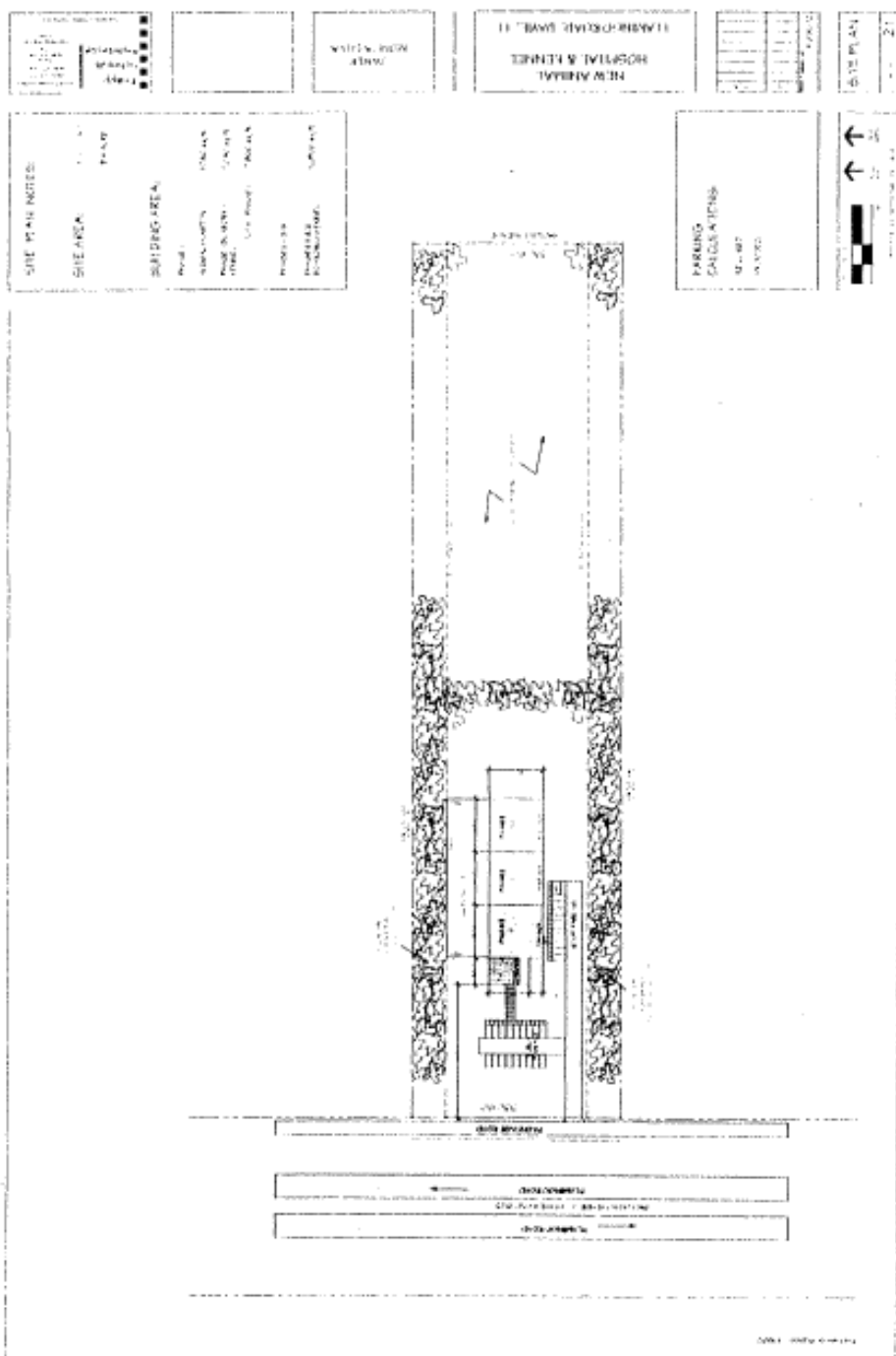
The Planning and Zoning Board recommended approval. (Motion carried 5-0, February 28, 2001).

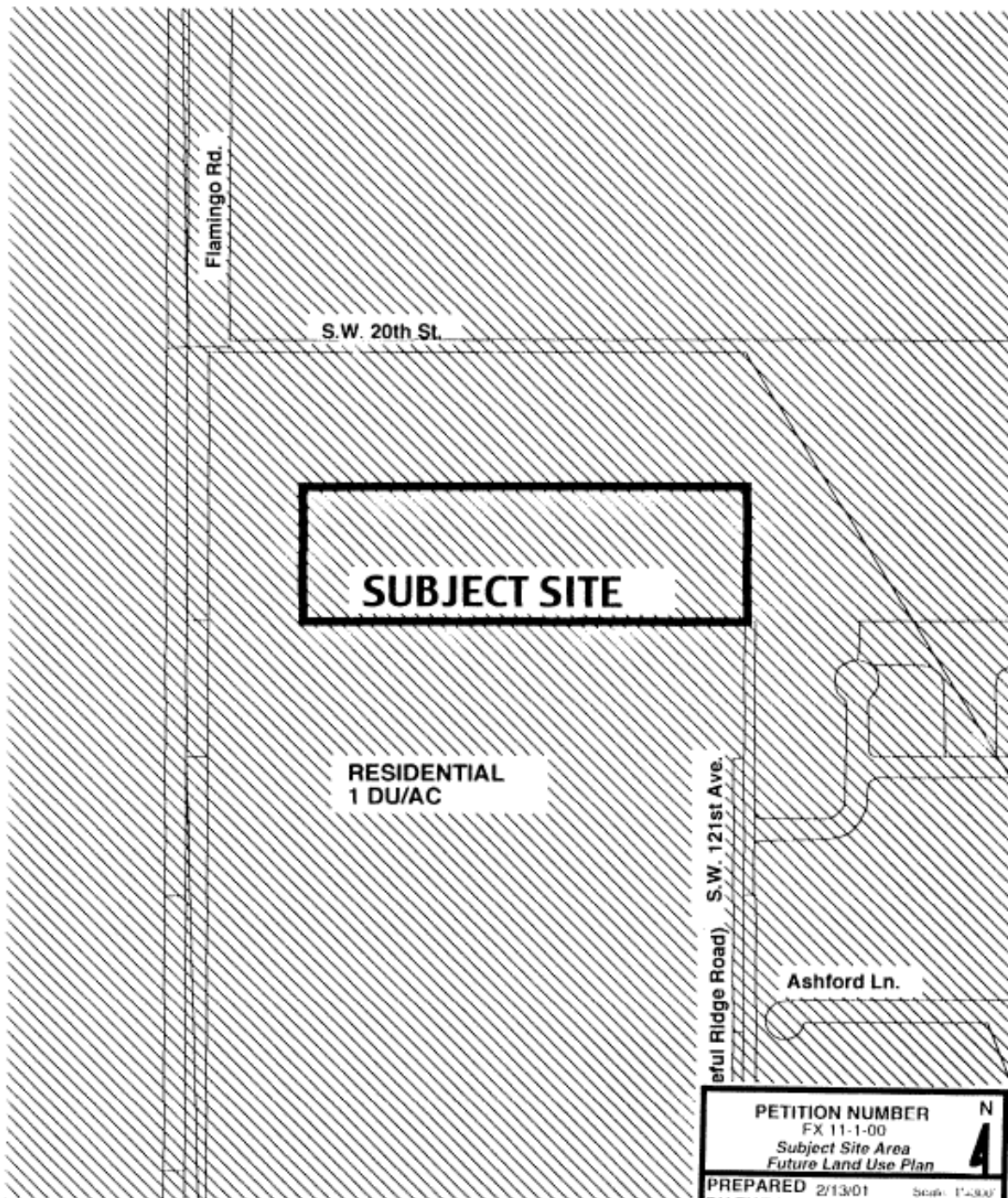
Exhibits

1. Conceptual Plan
2. Land Use Map
3. Subject Site Map
4. Aerial

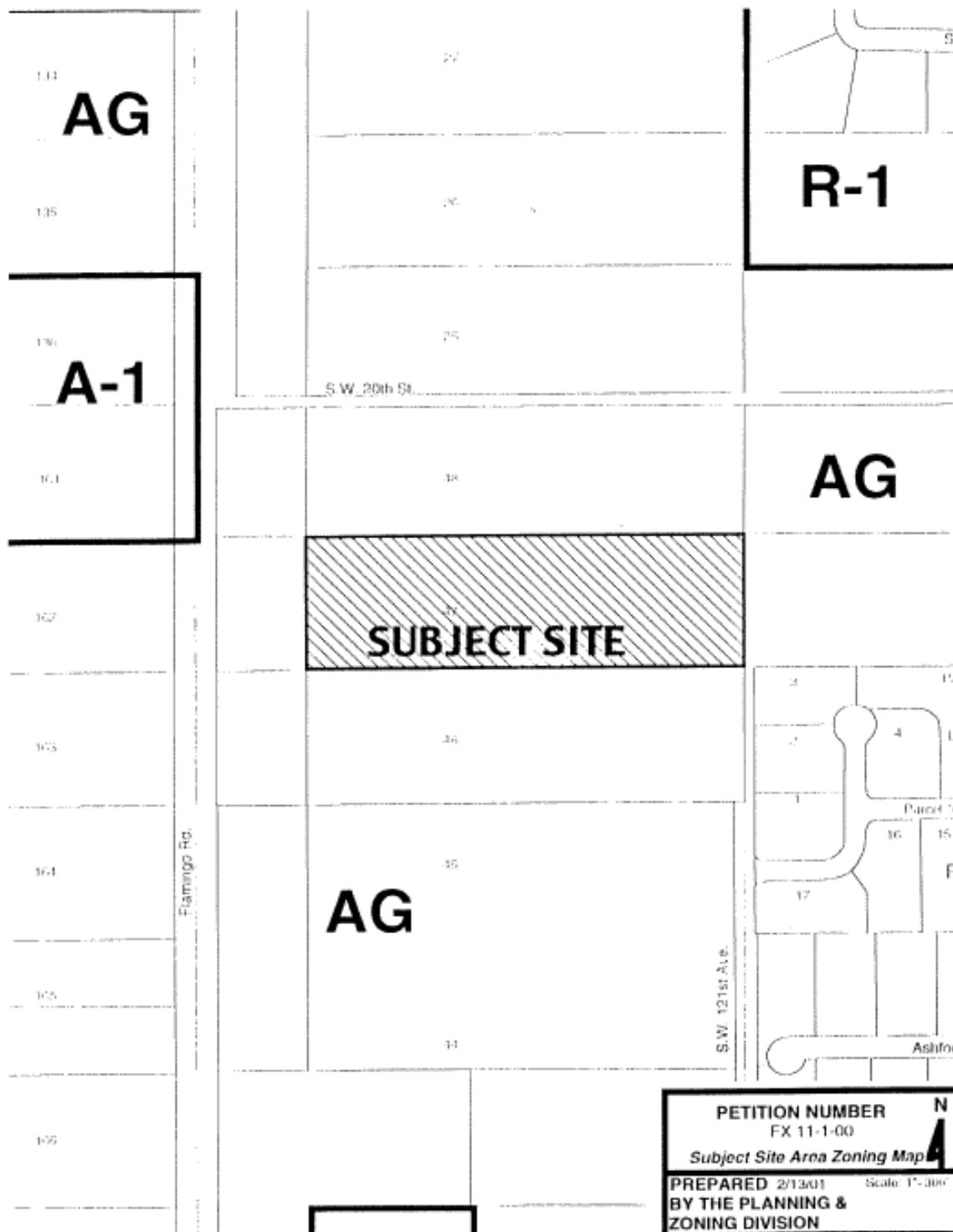
Prepared by: _____

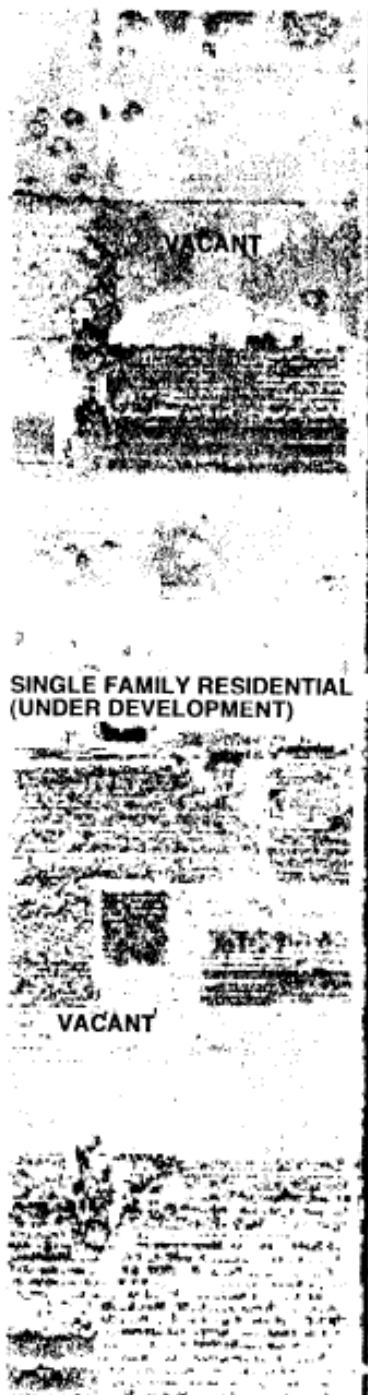
Reviewed by: _____



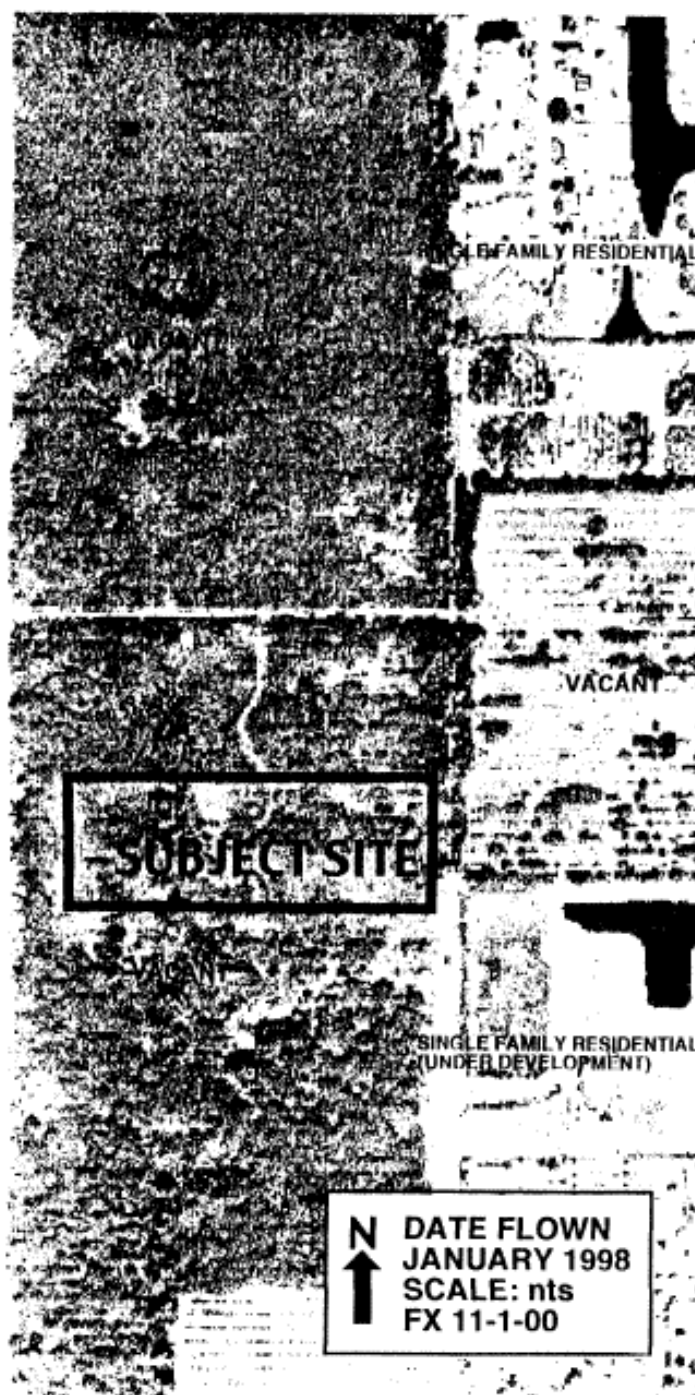


PETITION NUMBER		N 4
FX 11-1-00		
Subject Site Area		
Future Land Use Plan		
PREPARED 2/13/01 Scale: 1"=500'		
BY THE PLANNING & ZONING DIVISION		





FLAMINGO ROAD



SUBJECT SITE

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DATE FLOWN
JANUARY 1998
SCALE: nts
FX 11-1-00